IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No. 110 of 2007
In
OFFICIAL LIQUDATOR REPORT No. 61 of 2005
In
COMPANY PETITION No. 157 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HINDUSTAN PETROLEUM CORPORATION LTD. - Applicant(s)
Versus
O.L.OF AHMEDABAD MFG. & CALICOPRINTING MILLS CO.LTD. & 2 - Respondent(s)

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Appearance :
MR GN SHAH for Applicant(s) : 1,MS MINOO A SHAH for Applicant(s) : 1,
MR JS YADAV for Respondent(s) : 1,
DS AFF.NOT FILED (N) for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 09/04/2007

ORAL JUDGMENT

Pursuant to the order passed by this Court, Shri Suresh Sudam Gaikwad, Assistant Assessor and

Collector, East Ward, Municipal Corporation of Greater Mumbai on behalf of Municipal Corporation of Greater Mumbai is personally present in the Court. Shri BJ Shelat, learned senior advocate appearing on behalf of the applicant purchaser has submitted that the applicant purchaser has already made payment of statutory dues to the Corporation due and payable on the properties of the company in liquidation for the period after the date of winding up order. It is submitted that though as per the order passed by this Court passed while confirming the sale in favour of the applicant, more particularly as per clause H, the payment of the statutory dues of the corporation for pre-liquidation is required to be settled as per the provisions of the Companies Act, 1956, as the respondent Corporation has refused to sanction the plan submitted by the applicant on the ground that there are statutory dues due and payable over the properties of the company in liquidation, without prejudice to the rights and contentions, the applicant is ready and willing to pay/deposit the statutory dues payable to the respondent Corporation even for pre-liquidation period. Shri Gaikwad has submitted that if all the statutory dues even for pre-liquidation period is paid by the applicant without prejudice to the rights and contentions, in that case, the respondent Corporation will not have any objection in considering the plan submitted by the applicant in accordance with law and if all requirements are complied with. In view of the above, it will be open for the applicant to pay/deposit the

statutory dues payable to the Municipal Corporation of Greater Mumbai even for pre-liquidation period without prejudice to their rights and contentions and without prejudice to the right to recover the amount from the respondent Corporation and as and when such an amount is paid/deposited with the Corporation, the concerned authority of the respondent Corporation is directed to accept the same and consider the plan submitted by the applicant in accordance with law and on its own merits subject to compliance with all the statutory requirements and the Corporation to accept the aforesaid amount without prejudice to the rights and contentions of the applicant. The concerned authority,- respondent Corporation to consider the plan submitted by the applicant and/or to be submitted by the applicant as early as possible on deposit of the aforesaid amount.

With this, the present application is disposed of. No costs.

(M.R. SHAH, J.)

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